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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,336	07/19/2001	Ray Wang	00,583A	9612
32097	7590	05/25/2004	EXAMINER	
LESAVICH HIGH-TECH LAW GROUP, P.C. SUITE 325 39 S. LASALLE STREET CHICAGO, IL 60603			PHAN, HUY Q	
			ART UNIT	PAPER NUMBER
			2685	6

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,336

Applicant(s)

WANG, RAY

Examiner

Huy Q Phan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-31 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2,4,5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims ~~6 and 8~~ are rejected under 35 U.S.C. 102(e) as being anticipated by Baker (US-6,505,046).

Regarding claim 6, Baker discloses in figure 3, a transport network location-aware interface (302 and 305) for communicating with a plurality of different types of location-aware wireless mobile devices (fig. 4, box 425) in a plurality of different locations in a specific geographic area (col. 1, lines 50-55), comprising: a first transport interface component (fig. 3, box 302) for receiving network-independent location-aware protocol messages (301) from an information repository on a wireless transport network (310), wherein the network-independent location-aware protocol messages are used to communicate with a plurality of different types of location-aware wireless mobile devices in a plurality of different locations in a specific geographic area (col. 1, lines 50-55) (col. 6, lines 1-67); a second transport interface component (305) for sending transport information from the wireless transport network via one or more wireless transport

protocols in use on the wireless transport network to the plurality of different types of location-aware wireless mobile devices (425) in a plurality of different locations in a specific geographic area (col. 1, lines 50-55), wherein the transport information includes one or more network-independent location-aware protocol messages used to communicate with a plurality of different types of location-aware wireless mobile devices (425) in a plurality of different locations in a specific geographic area (col. 1, lines 50-55) (col. 7, lines 1-50).

Regarding claim 7, Baker discloses a transport network mobile user network message interface as recited in the rejection of claim 6, Baker further discloses wherein the transport information includes a plurality of data-bits, data frames or data packets (col. 1, lines 43-55).

Regarding claim 8, Baker discloses in figure 4, a mobile device location-aware interface for a location-aware wireless mobile device (425), comprising a first location-aware interface component for receiving transport information on a location-aware wireless mobile device (425) from a wireless transport network via one or more wireless transport protocols in use on the wireless transport network (col. 1, lines 37-42), wherein the transport information includes one or more network-independent location-aware protocol messages used to communicate with a plurality of different types of location-aware wireless mobile devices in a plurality of different locations in a specific geographic area (col. 1, lines 49-55); a second location-aware interface component for

generating device specific information on the location-aware wireless mobile device from the one or more network-independent location-aware protocol messages in the transport information (col. 2, lines 28-34).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Raith et al. (US-6,477,362).

Regarding claim 1, Baker discloses in figure 4, a network-independent location-aware protocol for communicating with location-aware wireless mobile devices (425), the network-independent location-aware protocol stored as data bits in a pre-determined format on a computer readable medium (420), comprising: a location-aware management message for sending and receiving management messages to and from location-aware wireless mobile devices (col. 1, lines 43-55); and a location-aware commerce message for sending and receiving commerce messages to and from location-aware wireless mobile devices (col. 2, lines 19-34); wherein the network-independent location-aware protocol messages can be simultaneously transmitted over a plurality of different types of wireless transport networks for a plurality of different

types of location-aware mobile devices in a plurality of different locations in a specific geographic area (col. 1, lines 37-55 and col. 8, line 60-col. 6, line 67).

But, Bake fails to expressly show a location-aware event message for sending and receiving emergency or non-emergency event messages to and from location-aware wireless mobile devices.

However in analogous art, Raith et al. teach in figures 5 and 6, a location-aware event message for sending and receiving emergency or non-emergency event messages to and from location-aware wireless mobile devices (col. 5, lines 56-67). Since, Baker and Raith et al. are related to method for location-aware wireless mobile devices; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Bake by specifically having a location-aware event message for sending and receiving emergency or non-emergency event messages to and from location-aware wireless mobile devices as taught by Raith et al. for purpose of enhancing the usability of wireless mobile devices in the network independent location-aware protocol in order to improve the quality and reliability of wireless communications service.

Regarding claim 2, Baker and Raith et al. disclose a network-independent location-aware protocol as recited in the rejection of claim 1, Baker further discloses wherein the location-aware management message includes a plurality of management message tags to request a location of a location-aware wireless mobile device (col. 3, lines 7-12), send a location identifier to a location-aware wireless mobile device or send

an acknowledgement to a location-aware wireless mobile device (col. 3, lines 13-19).

Regarding claim 3, Baker and Raith et al. disclose a network-independent location-aware protocol as recited in the rejection of claim 1, Raith et al. further disclose wherein the location-aware event message includes a plurality of event message tags for emergency or non-emergency event information generated for location-aware wireless mobile devices in a specific geographic area (col. 6, lines 1-41):

Regarding claim 4, Baker and Raith et al. disclose a network-independent location-aware protocol as recited in the rejection of claim 1, Baker further discloses wherein the location-aware commerce message includes a plurality of commerce message tags for commercial information including electronic-commerce or mobile-commerce for location-aware wireless mobile devices in a specific geographic area (col. 3, lines 43-50).

Regarding claim 5, Baker and Raith et al. disclose a network-independent location-aware protocol as recited in the rejection of claim 1. Raith et al. further disclose wherein the network-independent location-aware protocol is also used for communicating with wired or non-mobile wireless devices (col. 4, lines 53-58).

Allowable Subject Matter

1. Claims 9-31 are allowed.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method for providing network-independent location-aware protocol messages to location-aware mobile network devices, comprising: accepting alert information from a plurality of information sources on an information repository, wherein the information repository is in communications with the plurality of information sources via an information network, wherein the alert information is generated from emergency or non-emergency events, and wherein the alert information includes information emergency or non-emergency events for a specific geographic area; formatting the accepted alert information into a network-independent location-aware protocol message, wherein the network-independent location-aware protocol message can be sent to a plurality of different types of location-aware mobile wireless network devices in communications with the plurality of different types of transport networks via a plurality of uniform mobile user network message interfaces associated with the plurality of different types of transport networks; optionally adding additional information to the network-independent location-aware protocol message based on the specific geographic area identified in the alert information, wherein the additional information is dynamically generated from a plurality of databases associated with the information repository; forwarding the network-independent location-aware protocol message to the plurality of different types of transport networks in communications with the plurality of different types of location-aware mobile network devices located in the specific geographic area identified by the alert information, wherein the plurality of different

types of transport networks forward the network-independent location-aware message to the plurality of different types of location-aware mobile network devices located in the specific geographic area identified by the alert information via the plurality of uniform mobile user network message interfaces associated with the plurality of different types of transport networks.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Borkowski et al. (US-RE38,267) disclose a cellular network-based geographic coverage area reporting method.
- b) Chern (US-6,609,005) discloses a method for displaying the location of wireless communication device.
- c) Pleffer et al. (US-6,529,728) disclose a method for selectively providing information specific to a location in wireless communication system.
- d) Carley (US-6,574,484) discloses a method for emergency service access using a mobile phone.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huy Phan

AU: 2685

May 11, 2004


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